

Federal Support for School Integration: A Status Report

updated Sept. 2012

Issue
Brief 4

1. Review of school diversity language and incentives in key USDOE programs

The Secretary of Education has expressed strong support for school diversity and reduction of racial isolation in speeches and in the Joint Guidance on Voluntary School Integration, and the Department of Education has included a general preference for school integration among its permissible funding preferences (see below). However, this support for school integration is not yet reflected in the requirements and point systems of many key competitive grant programs, where it might make the most difference.

■ Supplemental Priorities for Discretionary Grant Programs:

Funding preference in discretionary grants programs is permitted for “projects that are designed to promote student diversity, including racial and ethnic diversity, or avoid racial isolation,” in order to “promote cross-racial understanding, break down racial stereotypes, and prepare students for an increasingly diverse workforce and society.” 75 Fed. Reg. 78486 (Dec. 15, 2010).¹ This new “diversity preference” is 1 of 16 competitive funding priorities listed in the Federal Register notice. It permits, but does not require, school diversity to be included in the point systems for competitive grants.

■ Language from DOJ-USDOE Guidance on the Voluntary Use of Race:

Consistent with the 2007 Supreme Court decision in *Parents Involved*,² the Department’s 2011 “Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools”³ recognizes that achieving racial diversity and reduction of racial isolation are compelling government interests, and endorses “race conscious” measures to promote school diversity, that do not involve taking into account the race or individual students for admission or assignment purposes (the guidance also lists examples of such measures, including affirmative school siting, redefined attendance zones, geographically weighted lotteries, socioeconomic integration, interdistrict transfer programs, etc.).⁴ Importantly, the Guidance also clarifies that race of individual students *can* still be taken into account to achieve diversity in situations where “race-neutral and generalized race-based approaches would be unworkable.” School districts are encouraged to contact DOJ or USDOE for technical assistance in applying these guidelines.

■ Magnet Schools Assistance Program:

USDOE provides grants for magnet schools with approved required or voluntary desegregation plans that “reduce, eliminate, or prevent minority group isolation” and promote diversity. In 2010, partly in response to the *Parents Involved* case, USDOE

1 <http://www.gpo.gov/fdsys/pkg/FR-2010-12-15/pdf/2010-31189.pdf>

2 *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007)

3 <http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf>

4 The Guidance suggests, but does not require, that districts first consider the feasibility of purely race-neutral criteria (such as socioeconomic status of students or neighborhoods) before adopting generalized, race-based approaches (such as attendance zones based on the racial composition of neighborhoods).

amended the regulations that had required binary racial classifications (i.e. “minority” and “nonminority”) and had prohibited the creation of magnet schools with minority enrollments exceeding the district-wide average. Whether a school’s voluntary plan meets the statutory requirements is now determined by USDOE on a case-by-case basis. 75 Fed. Reg. 9777 (Mar. 4, 2010).⁵

■ Charter School Programs:

There are currently several charter school funding competitions for State Education Agencies, individual charter schools, and non-profit charter management organizations. Each of these competitions permit a small number of points in the competitive rating system for schools that “promote student diversity, including racial and ethnic diversity, or avoid racial isolation,” but these priorities are relatively weak and do not provide a strong incentive for applicants to promote diverse charter schools.

Compared with the small number of points allocated for the promotion of diversity, applicants can earn a significant number of points for serving “educationally disadvantaged” students, including, *inter alia*, individuals from low-income families, English learners, migratory children, children with disabilities, and neglected or delinquent children.⁶ While the criteria do not necessarily promote segregation and poverty concentration on its face, it may have that effect in practice, if more points are allotted to applicants serving extremely high percentages of disadvantaged students.

For State Education Agencies who want to start new charter schools or disseminate information about existing charters, USDOE provides 1 of its 7 competitive funding priorities to schools that “promote student diversity, including racial and ethnic diversity, or avoid racial isolation.” 76 Fed. Reg. 4322 (Jan. 25, 2011).⁷ School diversity counts for up to 5 points above the base maximum, depending on how well the application meets the diversity priority; the base maximum is 100 points for SEAs that do not propose to use grant funds for dissemination activities and 110 points for SEAs that do propose to use funds for dissemination activities.⁸ Applicants can attain 20 base points for the “contribution the charter schools grant program will make in assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards.”

For individual charter schools in states that do not already have a charter school State Education Agency grant, and who seek start-up or dissemination funds, USDOE provides 1 of its 4 competitive funding priorities to “projects that are designed to promote student diversity, including racial and ethnic diversity, or avoid racial isolation.” 77 Fed. Reg. 22298 (Apr. 13, 2012).⁹ School diversity counts for up to 2 points above a base maximum of 100 points, depending how well the application meets the diversity priority.¹⁰ For start-up grants, applicants can attain 3 base points for projects that “assist educationally disadvantaged students in

5 <http://www.gpo.gov/fdsys/pkg/FR-2010-03-04/pdf/2010-4415.pdf>

6 <http://www.gpo.gov/fdsys/pkg/FR-2011-07-12/pdf/2011-17491.pdf>

7 <http://www.gpo.gov/fdsys/pkg/FR-2011-01-25/pdf/2011-1518.pdf>

8 For the most recent year, 2011, the other priorities are periodic review and evaluation (up to 10 points), number of high-quality charter schools (up to 8 points), an authorized public chartering agency other than a Local Educational Agency, or an appeals process (5 points), high degree of autonomy (up to 5 points), improving achievement and high school graduation rates (up to 12 points), and improving productivity (up to 5 points).

9 <http://www.gpo.gov/fdsys/pkg/FR-2012-04-13/pdf/2012-8980.pdf>

10 For the current year, the other priorities are improving achievement and high school graduation rates (up to 6 points), improving productivity (up to 2 points), and support for military families (up to 5 points).

meeting State academic content standards and State student academic achievement standards.” For non-profit charter management organizations with proven success in charter schools who want to replicate or expand their existing models, USDOE provides 1 of its 6 competitive funding priorities to schools that “promote student diversity, including racial and ethnic diversity, or avoid racial isolation.” 77 Fed. Reg. 13304 (Mar. 6, 2012).¹¹ School diversity counts for up to 4 points above a base maximum of 100 points, depending how well the application meets the diversity priority.¹² Applicants can attain 15 base points for closing historic achievement gaps between protected subgroups or for demonstrating that there have not been significant achievement gaps at the school between protected subgroups. They can gain another 15 base points for success significantly above the state average for educationally disadvantaged students, and another 10 points for their general contribution in assisting educationally disadvantaged students (in particular, applicants must focus on the location and student populations to be served).

■ *Race to the Top:*

The Race to the Top program provides funds to states who propose reforms in the following four core educational assurance areas: “adopting standards and assessments that prepare students to succeed in college and the workplace and to compete

in the global economy; building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction; recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most; and turning around our lowest-achieving schools.”¹³ The original 2009 notice’s proposed priorities, requirements, and selection criteria did not include diversity. 74 Fed. Reg. 27804 (July 29, 2009).¹⁴ During the notice-and-comment period, a number of commenters suggested adding incentives for voluntary integration; however, USDOE declined to include diversity as a competitive or invitational priority. 74 Fed. Reg. 59688 (Nov. 18, 2009).¹⁵ None of the three fund phases that have occurred have modified the priorities so as to prioritize diversity or explicitly incentivize voluntary integration. 74 Fed. Reg. 59836 (Nov. 18, 2009),¹⁶ 75 Fed. Reg. 19496 (Apr. 14, 2010),¹⁷ & 76 Fed. Reg. 70980 (Nov. 16, 2011).¹⁸

On August 16, 2012, USDOE published its final notice and invitation for applications for new awards for the Race to the Top – District competition.¹⁹ Once again, USDOE did not include diversity as an absolute or competitive priority, even though it is an approved competitive priority and even though the NCSD has repeatedly urged the Department to include diversity in the RTT program.²⁰ However, in a small gesture of support for

11 <http://www.gpo.gov/fdsys/pkg/FR-2012-03-06/pdf/2012-5427.pdf>

12 For the current year, the other priorities are low-income demographic (9 points), school improvement (1 point), technology (1 point), promoting science, technology, engineering, and mathematics education (1 point), and novice applicants to this grant (4 points).

13 <http://www2.ed.gov/programs/racetothetop/index.html>

14 <http://www.gpo.gov/fdsys/pkg/FR-2009-07-29/pdf/E9-17909.pdf>

15 <http://www.gpo.gov/fdsys/pkg/FR-2009-11-18/pdf/E9-27426.pdf>

16 <http://www.gpo.gov/fdsys/pkg/FR-2009-11-18/pdf/E9-27427.pdf>

17 <http://www.gpo.gov/fdsys/pkg/FR-2010-04-14/pdf/2010-8376.pdf>

18 <http://www.gpo.gov/fdsys/pkg/FR-2011-11-16/pdf/2011-29582.pdf>

19 Federal Register / Vol. 77, No 159 / Thursday, August 16, 2012 (p. 49660)

20 The NCSD’s comments on the RTT-District Competition proposed notice were submitted on June 8, ee http://www.school-diversity.org/pdf/race_to_the_top_district_comments_by_civil_rights_groups_6-8-12.pdf

districts struggling to promote diversity, the Department announced that applicants may apply for additional funding (up to \$2 million) for “strategies for increasing diversity across schools and LEAs and within schools and classrooms.”²¹ There are some other positive civil rights provisions in the final notice on school discipline.²²

■ *Investing in Innovation:*

The Investing in Innovation (i3) program provides grants to school districts to encourage innovative practices that demonstrate an impact on the program’s key outcomes: improving student achievement or student growth, closing achievement gaps, decreasing dropout rates, increasing high school graduation rates, and increasing college enrollment and completion rates.²³ The original 2009 notice’s proposed priorities, requirements, and selection criteria did not include diversity. 74 Fed. Reg. 52214 (Oct. 9, 2009).²⁴ During the notice-and-comment period, a number of commenters suggested adding incentives for racial and ethnic diversity; however, USDOE declined to include diversity as an absolute or competitive priority, though it did suggest that applicants might utilize diversity to the extent that it serves as an intermediate variable that is strongly correlated with the program’s key outcomes. 75 Fed. Reg. 12004 (Mar. 12, 2010).²⁵ Following the inclusion of diversity as a permissible priority in the Supplemental Priorities for Discretionary Grant

Programs, commenters again recommended it as a priority for future Investing in Innovation competitions. The Department declined to include it in its most recent revision of the priorities, but mentioned that it might consider new rules to include diversity in future competitions. 76 Fed. Reg. 32073 (June 3, 2011).²⁶

The competitions for Scale-Up Grants and Validation Grants currently include as an absolute priority innovations that complement the implementation of high standards and high-quality assessments, listing in particular methods designed to “increase the success of under-represented student populations in academically rigorous courses and programs.” 77 Fed. Reg. 18216 & 18229 (Mar. 27, 2012).²⁷ While this does not explicitly reward diversity, it may encourage programs that address this priority through methods designed to increase diversity in the classroom.

■ *Voluntary Public School Choice Program:*

This program provides grants to establish or expand programs that focus on providing parents with greater options in acquiring a high-quality public education for their children, particularly parents whose children attend schools in need of improvement. As of the most recent notice in 2007, diversity was not listed as a competitive priority. 72 Fed. Reg. 4700 (Feb. 1, 2007).²⁸ However, pro-

21 Id. at 49666

22 Id. at 49660 (“LEAs in which minority students or students with disabilities are disproportionately subject to discipline and expulsion” must undergo a district-wide assessment of the underlying causes of the abnormal rates of discipline and expulsion, and must develop a plan detailing how the district will address the underlying causes, as well as reduce the disproportionate instances of discipline and expulsion.

23 <http://www2.ed.gov/programs/innovation/index.html>

24 <http://www.gpo.gov/fdsys/pkg/FR-2009-10-09/pdf/E9-24387.pdf>

25 <http://www.gpo.gov/fdsys/pkg/FR-2010-03-12/pdf/2010-5147.pdf>

26 <http://www.gpo.gov/fdsys/pkg/FR-2011-06-03/pdf/2011-13589.pdf>

27 <http://www.gpo.gov/fdsys/pkg/FR-2012-03-27/pdf/2012-7362.pdf>; <http://www.gpo.gov/fdsys/pkg/FR-2012-03-27/pdf/2012-7365.pdf>

28 <http://www.gpo.gov/fdsys/pkg/FR-2007-02-01/pdf/E7-1539.pdf>

grams could earn up to 10 points above a base maximum of 100 points if they had a substantial impact on students in low-performing schools in providing those students with opportunities to attend high-performing schools.²⁹ Since 2007, the program has provided no new awards.³⁰

■ **Early Childhood Education:**

The primary sources of federal funding for early education include Head Start, Title I of ESEA, Race to the Top Early Learning Challenge, and the Child Care and Development Fund (also referred to as the Child Care and Development Block Grant). None of these programs provide any incentives or priorities for a racially or socioeconomically diverse student body. Some program features may exacerbate segregation – for example, many programs prioritize funds for proposals that are designed solely for low-income children.

Head Start and Early Head Start: The Head Start program, run by the Office of Head Start within the Department of Health and Human Services, provides funding to local agencies for quality early education targeted at children in economically disadvantaged families.³¹ Two of the primary criteria for funding are demonstration of a need for such services in the proposed location and for the proposed population, and achievement of early learning and developmental outcomes to pro-

mote school readiness for children.³² Diversity is not mentioned explicitly and may in fact be unintentionally discouraged implicitly, as the program is designed to fund solely low-income children. The Early Head Start Program, also run by the Office of Head Start, provides services to infants, toddlers, and pregnant women in predominantly economically disadvantaged communities.³³ The evaluation criteria are largely identical, with no explicit encouragement of diversity in the target population to be served.³⁴ To the extent that Head Start and Early Head Start programs serve an existing, diverse population, the Head Start Multicultural Principles require culturally relevant programming designed to both preserve the cultural identity of individuals and provide them with the necessary skills to succeed in a diverse society.³⁵ The Head Start Multicultural Principles and the Head Start Program Performance Standards also emphasize that programs must provide language services to address the linguistic diversity of enrolled children and adults.^{36, 37}

Title I Preschools: Title I funds are distributed to SEAs and LEAs for the benefit of students in districts with a high level of poverty. 73 Fed. Reg. 64436 (Oct. 29, 2008).³⁸ They can be used for district-wide, school-operated, and targeted programs in preschools, as well as elementary and secondary schools, and can be used to supplement

29 For the most recent year, 2007, the other priorities were partnership/interdistrict approaches (up to 20 points), a wide variety of choices (up to 10 points), secondary schools (up to 10 points), and student achievement data (up to 10 points).

30 <http://www2.ed.gov/programs/choice/funding.html>

31 <http://eclkc.ohs.acf.hhs.gov/hslc/hs/grants/understanding.html>

32 <http://eclkc.ohs.acf.hhs.gov/hslc/hs/grants/criteria.html>

33 <http://www.ehsnrc.org/AboutUs/ehs.htm>

34 <http://eclkc.ohs.acf.hhs.gov/hslc/hs/grants/criteria.html>

35 http://eclkc.ohs.acf.hhs.gov/hslc/hs/resources/ECLKC_Bookstore/PDFs/Revisiting%20Multicultural%20Principles%20for%20Head%20Start_English.pdf

36 <http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/cultural-linguistic/Dual%20Language%20Learners/pdm/responsiveness/UsingtheMulticu.htm>

37 <http://eclkc.ohs.acf.hhs.gov/hslc/standards/Head%20Start%20Requirements>

38 <http://www2.ed.gov/legislation/FedRegister/finrule/2008-4/102908a.pdf>

other existing programs.³⁹ Diversity is not considered a priority for Title I funding; rather, as poverty level is the ultimate priority, states may receive more Title I funding if they possess isolated, impoverished schools and school districts rather than integrated ones.

Race to the Top Early Learning Challenge:

The Race to the Top Early Learning Challenge competition provides grants to states to support statewide systems of high-quality early childhood education and development programs that benefit low-income/disadvantaged children.⁴⁰ The program highlights the following as its key areas of reform: successful state systems; high-quality, accountable programs; promoting early learning and development outcomes for children; a great early childhood education workforce; and measuring outcomes and progress. 76 Fed. Reg. 53564.⁴¹ Diversity within the student body is not stated as a priority in the selection criteria for proposals. However, “promoting school readiness for children with high needs” is an absolute priority that perhaps may be successfully addressed partly through racial and socioeconomic integration in early childhood centers, as the grant money is prohibited from use to create new early learning or development programs. Applicants receive 20 base points (out of 300 base maximum points) for proposals

that promote access to high-quality early learning and development programs for children with high needs, including children from low income families and English language learners. Applicant states must also demonstrate that their program standards are culturally and linguistically appropriate to the population to be served.

Child Care and Development Fund: The Child Care and Development Fund provides funds to states to assist low-income families and those receiving or transitioning from public assistance in obtaining child care while they work or attend educational programs, as well as to improve the quality of child care within the state.⁴² There was no mention of diversity or integrated services in the final rule. 63 Fed. Reg. 39936 (July 24, 1998).⁴³ The most recent revision of the rule did not add any such incentives. 72 Fed. Reg. 50889 (Sept. 5, 2007).⁴⁴

■ **ESEA Flexibility:**

In the long struggle for Congressional agreement on an ESEA reauthorization bill and a collective understanding that the primary achievement goal of No Child Left Behind (for all children to meet math and reading standards of proficiency by 2014) could not be achieved as originally defined, USDOE has offered states flexibility to commit to

39 <http://www2.ed.gov/policy/elsec/guid/preschoolguidance2012.pdf>

40 <http://www2.ed.gov/programs/racetothetop-earlylearningchallenge/index.html>

41 <http://www.gpo.gov/fdsys/pkg/FR-2011-08-26/pdf/2011-21756.pdf>

42 <http://www.acf.hhs.gov/programs/occ/ccdf/index.htm>

43 <http://www.gpo.gov/fdsys/pkg/FR-1998-07-24/pdf/98-19418.pdf>

44 <http://www.gpo.gov/fdsys/pkg/FR-2007-09-05/pdf/07-4308.pdf>

their own, federally approved plans in exchange for waivers from 10 ESEA requirements.^{45, 46}

As of May 29, 2012, 19 states had been granted flexibility.^{47, 48} 18 more states and the District of Columbia have also submitted requests for flexibility; currently, 4 more and Puerto Rico have indicated their intention to do so by September 6, 2012.⁴⁹ The principles that states must adhere to in submitting their plans for federal approval are 1) College- and Career-Ready Expectations for All Students, 2) State-Developed Differentiated Recognition, Accountability, and Support, 3) Supporting Effective Instruction and Leadership, and 4) Reducing Duplication and Unnecessary Burden.^{50, 51}

In terms of flexibility for Highly Qualified Teacher Improvement plans and the principle of Supporting Effective Instruction and Leadership, the flexibility does not exempt states from the ESEA requirement of ensuring that poor and

minority children are not taught at higher rates than other students by less desirable teachers.

Although one possible way for states and LEAs to ensure this parity would be to encourage racial and socioeconomic diversity in the schools, diversity is not listed as a priority in the waiver rules.

To adhere to the principle of State-Developed Differentiated Recognition, Accountability, and Support, states must implement incentives and public recognition for high-performing Title I schools when possible as “reward schools,” must publicly identify low-performing schools as “priority schools” in which LEAs apply 3 years of meaningful intervention, and must publicly identify Title I schools with large achievement gaps or subgroup under-performance as “focus schools,” in which LEAs implement interventions such as tutoring and public school choice. Again, diversity is mentioned nowhere as a priority.

45 <http://www.ed.gov/esea/flexibility/documents/esea-flexibility.doc>

46 The 10 provisions that can be waived regard 1) the 2013-2014 timeline for determining adequate yearly progress, ESEA §§ 111(b)(2)(E)-(H), 2) implementation of school improvement requirements, ESEA § 1116(b), 3) Local Education Agency improvement requirements, ESEA § 1116(c), 4) rural LEAs, ESEA §§ 6213(b) & 6224(e), 5) schoolwide programs, ESEA § 1114(a)(1), 6) fund allocation for school improvement, ESEA § 1003(a), 7) reward schools, ESEA § 1117(c)(2)(A), 8) Highly Qualified Teacher Improvement plans, ESEA § 2141, 9) transfer of certain funds, ESEA § 6123, and 10) the use of School Improvement Grant funds to support priority schools, ESEA § 1003(g).

47 <http://www.ed.gov/esea/flexibility/requests>

48 The states with approved ESEA flexibility are currently Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Jersey, Oklahoma, Tennessee, New Mexico, Connecticut, Delaware, Louisiana, Maryland, New York, North Carolina, Ohio, and Rhode Island.

49 <http://www2.ed.gov/policy/eseaflex/status-state-requests.pdf>

50 This 4th principle appeared in the original September 23, 2011 invitation for flexibility applications, but was absent in the updated review guidance released on February 10, 2012 after the first 10 states were granted flexibility.

51 <http://www.ed.gov/esea/flexibility/documents/review-guidance.doc>

2. Authorized budget amounts in key federal education programs

PROGRAM	STAT CITE	CFR CITE	NOFA CITES	2011 BUDGET FINAL ¹	2012 BUDGET REQUEST ²	2012 BUDGET FINAL ³	2013 BUDGET REQUEST ⁴
Magnet Schools Assistance Program	ESEA, 20 USC §§ 7231-7231j ⁵	34 CFR § 280 ⁶	75 Fed. Reg. 9879 (Mar.4, 2010) ⁷	\$99.8M	\$110M	\$99.6M	\$99.6M
Voluntary Public School Choice	ESEA, 20 USC §§ 7225-7225g ⁸	34 CFR §§ 74-86 & 97-99 ⁹	72 Fed. Reg. 4700 (Feb. 1, 2007) ¹⁰	\$25.8M	0 (requested within EEO)	0	0 (requested within EEO)
Expanding Educational Options	Proposed ESEA Reauthorization ¹¹			—	\$372M	0	\$255M
Charter School Programs	ESEA, 20 USC §§ 7221-7221i ¹²	34 CFR § 76(h); 34 CFR §§ 74-86, 97-99 ¹³	77 Fed. Reg. 13304 (Mar. 6, 2012); ¹⁴ 77 Fed. Reg. 22298 (Apr. 13, 2012) ¹⁵	\$255.5M	0 (requested within EEO)	\$255M	0 (requested within EEO)
Race to the Top	ARRA, Pub. L. No. 111-5, 123 Stat. 115, §§ 14005-6 ¹⁶	34 CFR Subt. B, Ch. II ¹⁷	74 Fed. Reg. 59836 (Nov. 18, 2009); ¹⁸ 75 Fed. Reg. 19496 (Apr. 14, 2010); ¹⁹ 76 Fed. Reg. 70980 (Nov. 16, 2011) ²⁰	\$698.6M	\$900M	\$549M (including Early Learning Challenge)	\$850M (including Early Learning Challenge)
Investing in Innovation	ARRA, Pub. L. No. 111-5, 123 Stat. 115, §§ 14007-14007c ²¹	34 CFR §§ 74-86, 97-99 ²²	77 Fed. Reg. 11087 (Feb. 24, 2012); ²³ 77 Fed. Reg. 18216 (Mar. 27, 2012); ²⁴ 77 Fed. Reg. 18229 (Mar. 27, 2012) ²⁵	\$149.7M	\$300M	\$149.4M	\$150M
Head Start and Early Head Start	HSA, 42 USC §§ 9801-9852(c) ²⁶	45 CFR §§ 1301-1311 ²⁷		\$7,560M ²⁸	\$8,100M ²⁹	\$7.969M ³⁰	\$8,054 ³¹
Title I Grants to LEAs	ESEA, 20 U.S.C. §§6301-6339, 6571-6578 ³²	34 CFR §200; ³³ 34 CFR §§ 76-77, 80-82, 84-85, 97-99 ³⁴		\$14, 492.4M	\$14,792.4M	\$14,516.5M	\$14,516.5M
Race to the Top Early Learning Challenge	ARRA, Pub. L. No. 111-5, 123 Stat. 115, §§ 14005-6 ³⁵	34 CFR Subt. B, Ch. II ³⁶	76 Fed. Reg. 53564 (Aug. 26, 2011) ³⁷	—	\$350M	(within Race to the Top)	(within Race to the Top)
Child Care and Development Fund	CCDBG, 42 USC §§ 9858-9858(q) ³⁸	34 CFR §§ 98-99 ³⁹		\$2,223M ⁴⁰	\$2,927M ⁴¹	\$2,278M ⁴²	\$2,603M ⁴³
ESEA Flexibility	ESEA, 20 USC § 7861 ⁴⁴						

Table Notes

1	http://www2.ed.gov/about/overview/budget/budget13/summary/13summary.pdf	29	http://www.hhs.gov/about/fy2012budget/fy2012bib.pdf
2	http://www2.ed.gov/about/overview/budget/budget12/summary/12summary.pdf	30	http://www.hhs.gov/budget/budget-brief-fy2013.pdf
3	http://www2.ed.gov/about/overview/budget/budget13/summary/13summary.pdf	31	http://www.hhs.gov/budget/budget-brief-fy2013.pdf
4	http://www2.ed.gov/about/overview/budget/budget13/summary/13summary.pdf	32	http://www2.ed.gov/programs/titleiparta/legislation.html
5	http://www2.ed.gov/policy/elsec/leg/esea02/pg65.html	33	http://www2.ed.gov/legislation/FedRegister/finrule/2008-4/102908a.pdf
6	http://www.gpo.gov/fdsys/pkg/FR-2010-03-04/pdf/2010-4415.pdf	34	http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html
7	http://www.gpo.gov/fdsys/pkg/FR-2010-03-04/pdf/2010-4416.pdf	35	http://www2.ed.gov/policy/gen/leg/recovery/statutory/stabilization-fund.pdf
8	http://www2.ed.gov/policy/elsec/leg/esea02/pg64.html	36	http://www2.ed.gov/legislation/FedRegister/finrule/2010-1/012710a.pdf
9	http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html	37	http://www.gpo.gov/fdsys/pkg/FR-2011-08-26/pdf/2011-21756.pdf
10	http://www.gpo.gov/fdsys/pkg/FR-2007-02-01/pdf/E7-1539.pdf	38	http://www.law.cornell.edu/uscode/text/42/chapter-105/subchapter-II/E2%80%93B
11	http://www2.ed.gov/policy/elsec/leg/blueprint/faq/public-school-choice.pdf	39	http://www.acf.hhs.gov/programs/occ/law/finalrul/index.htm
12	http://www2.ed.gov/policy/elsec/leg/esea02/pg62.html	40	http://www.hhs.gov/budget/budget-brief-fy2013.pdf
13	http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html	41	http://www.hhs.gov/about/fy2012budget/fy2012bib.pdf
14	http://www.gpo.gov/fdsys/pkg/FR-2012-03-06/pdf/2012-5427.pdf	42	http://www.hhs.gov/budget/budget-brief-fy2013.pdf
15	http://www.gpo.gov/fdsys/pkg/FR-2012-04-13/pdf/2012-8980.pdf	43	http://www.hhs.gov/budget/budget-brief-fy2013.pdf
16	http://www2.ed.gov/policy/gen/leg/recovery/statutory/stabilization-fund.pdf	44	http://www.law.cornell.edu/uscode/text/20/7861
17	http://www2.ed.gov/legislation/FedRegister/finrule/2010-1/012710a.pdf		
18	http://www.gpo.gov/fdsys/pkg/FR-2009-11-18/pdf/E9-27427.pdf		
19	http://www.gpo.gov/fdsys/pkg/FR-2010-04-14/pdf/2010-8376.pdf		
20	http://www.gpo.gov/fdsys/pkg/FR-2011-11-16/pdf/2011-29582.pdf		
21	http://www2.ed.gov/policy/gen/leg/recovery/statutory/stabilization-fund.pdf		
22	http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html		
23	http://www.gpo.gov/fdsys/pkg/FR-2012-02-24/pdf/2012-4357.pdf		
24	http://www.gpo.gov/fdsys/pkg/FR-2012-03-27/pdf/2012-7362.pdf		
25	http://www.gpo.gov/fdsys/pkg/FR-2012-03-27/pdf/2012-7365.pdf		
26	http://eclkc.ohs.acf.hhs.gov/hslc/standards/Head%20Start%20Act/HS_Act_2007.pdf		
27	http://eclkc.ohs.acf.hhs.gov/hslc/standards/Head%20Start%20Requirements/45%20CFR%20Chapter%20XIII/45%20CFR%20Chapter%20XIII_ENG.pdf		
28	http://www.hhs.gov/budget/budget-brief-fy2013.pdf		

This issue brief was prepared by **Philip Tegeler**, Executive Director of the Poverty & Race Research Action Council (PRRAC), and **Sheela Ramesh**, a PRRAC Law & Policy Intern. Additional research provided by Michael Hilton, PRRAC Law & Policy Fellow.

The National Coalition on School Diversity is a network of national civil rights organizations, university-based research institutes, local educational advocacy groups, and academic researchers seeking a greater commitment to racial and economic diversity in federal K-12 education policy and funding.

**For more information on the National Coalition on School Diversity,
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